

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DAVID UPDIKE, on behalf of himself,
and for all others similarly situated,

Case No. 6:18-cv-01383-AA
OPINION & ORDER

Plaintiffs,

vs.

MARION COUNTY, OREGON,

Defendant.

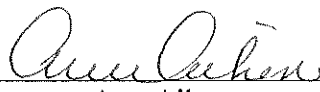
AIKEN, District Judge:

On October 19, 2019 this Court issued an Order (doc. 12) granting plaintiff's Motion for Entry of Default (doc. 10), and on October 23, 2018, the clerk entered default as to defendant Marion County, Oregon (doc. 13). Now, defendant has filed a Motion to Set Aside the Default Order (doc. 14). A district court may set aside an entry of default for "good cause." Fed. R. Civ. P. 55(c). The good cause analysis considers three factors: "(1) whether the party seeking to set aside the default engaged in culpable conduct that led to the default; (2) whether it had no meritorious defense; or (3) whether reopening the default judgment would prejudice the other party." *United States v. Signed Pers. Check No. 730 of Yubran S. Mesle*, 615 F.3d 1085, 1091 (9th Cir. 2010) (alterations normalized). "[J]udgement by default is a drastic step appropriate

only in extreme circumstances; a case should, whenever possible, be decided on the merits.” *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984). The Court has considered the factors under the good cause standard and finds that each weighs in favor of granting relief. This case does not present extreme circumstances that would make a default judgment appropriate. Accordingly, defendant’s Motion to set Aside the Default Order (doc. 14) is GRANTED.

IT IS SO ORDERED

Dated this 5th day of December 2018.



Ann Aiken
United States District Judge